

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-CV-60573-RAR

GULF BUILDING LLC,
a Florida limited liability company,

Plaintiff,

v.

**PHILADELPHIA INDEMNITY
INSURANCE COMPANY,**
a foreign corporation,

Defendant.

ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court on the Report and Recommendation, [ECF No. 183], of Magistrate Judge Jared M. Strauss filed on June 11, 2024. The Report recommends that the Court grant in part and deny in part Plaintiff's Renewed Motion for Appellate Attorney's Fees, [ECF No. 176]. *See* Report at 1. Specifically, the Report recommends that Plaintiff be awarded attorney's fees in the amount of \$19,165.00. *Id.* at 13. The time for objections has passed, and there are no objections to the Report.

When a magistrate judge's "disposition" has been properly objected to, district courts must review the disposition *de novo*. FED. R. CIV. P. 72(b)(3). When no party has timely objected, however, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72 advisory committee's note to 1983 addition (citation omitted). Although Rule 72 itself is silent on the standard of review, the Supreme Court has acknowledged Congress's intent was to only require a *de novo* review where objections have been properly filed, not when neither party objects. *See Thomas v. Arn*, 474 U.S.

140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate[] [judge]’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”) (emphasis in original; alterations added).

To date, no objections have been received. Thus, the Court considers it appropriate to review the Report for clear error. Finding none after carefully reviewing the Motion, the Report, the factual record, the applicable law, and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report, [ECF No. 183], is **AFFIRMED AND ADOPTED**.
2. Plaintiff’s Renewed Motion for Appellate Attorney’s Fees, [ECF No. 176], is **GRANTED IN PART and DENIED IN PART**.
3. Plaintiff shall be awarded attorney’s fees in the amount of \$19,165.00.

DONE AND ORDERED in Miami, Florida, this 1st day of July, 2024.

A handwritten signature in black ink, appearing to read 'Rodolfo A. Ruiz II', is written over a horizontal line.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE